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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/584,157

04/19/2007

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EXAMINER

MCCULLOUGH, MICHAEL C

ART UNIT

PAPER NUMBER

3653

MAIL DATE

DELIVERY MODE

08/31/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/584,157	Applicant(s) DOBRINDT, DIRK	
	Examiner MICHAEL C. MCCULLOUGH	Art Unit 3653	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 July 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2 July 2010 has been entered.

Claim Objections

2. Claims 1-8 are objected to because of the following informalities: claim 1 line 7 for shifting deposited sheets for pulling sheets" should be "for shifting deposited sheets and for pulling sheets", line 10 "the radial direction" should be "a radial direction", and claim 2 "the leading edge of a sheet" should be "a leading edge of the sheet".

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Holtje (US 5,692,740). Holtje discloses an apparatus for depositing a sheet on a stack comprising at least one stacking device (52, Figure 3) which can be driven so as to rotate about an axis of rotation (54) in order to grasp and deposit the sheet, and includes at least one drag element (68a,b) which is arranged on the at least one

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stacking device and carried along during rotation (see Figure 2), the at least one drag element is provided for shifting deposited sheets and pulling sheets toward a stack abutment (80), the at least one drag element is arranged relative to the axis of rotation on a radial exterior side of the at least one stacking device (see Figure 2) and movable in the radial direction relative to the at least one stacking device (see column 7 lines 48-55), the at least one stacking device includes at least two accommodation segments (58a,b on both 52's in Figure 3) arranged on independently coaxially rotating stacking members (see Figure 3, left and right 52, about axis 54) which can be actuated together or separately (this is a functional limitation that does not structurally define over the prior art, see MPEP 2114), the at least one stacking device comprises at least one input means (58a,b) into which a leading edge of a sheet to be stacked can be fed, the at least one drag element arranged relative to the axis of rotation on a radial exterior side of the at least one input means (see Figure 2) and movable in the radial direction relative to the at least one input means (all materials have a certain degree of elasticity and 68a,b are able to move), the at least one drag element is arranged on each available input means (see Figures 2 and 3), the at least one drag element is substantially tongue shaped (see Figure 2), the at least one drag element extends so as to project outward from the exterior side (see Figure 2), the at least one drag element extends at an acute angle outward from the exterior side against the direction of rotations of the at least one stacking device (see Figure 2).

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Holtje (US 5,692,740) in view of Michler (US 2003/0021659 A1). Holtje discloses all of the limitations of the claims but does not disclose the at least one drag element features a rubber material and a metal reinforcement. However, Michler discloses a similar device that includes a drag element featuring a rubber material with a metal reinforcement (see Paragraph 0043) for the purpose of reducing vibrations (see Paragraph 0037). It would have been obvious for a person of ordinary skill in the art at the time of the applicant's invention to modify Holtje by utilizing at least one drag element featuring a rubber material and a metal reinforcement, as disclosed by Michler, for the purpose of reducing vibrations.

Response to Arguments

5. Applicant's arguments with respect to claims 1-8 have been considered but are moot in view of the new ground(s) of rejection. Applicant has not claimed any structure to define the independent rotating in claim 1 such as two shafts, see MPEP 2114. Farther, the advisory action did not indicate there was no matter in the previous amendment but rather new matter might be in the amendment.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL C. MCCULLOUGH whose telephone number

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is (571)272-7805. The examiner can normally be reached on Monday-Friday, 8:00 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stefanos Karmis can be reached on (571) 272-6744. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael C McCullough/
Examiner, Art Unit 3653